

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES HUNT WARCLOUD, et al. : CIVIL ACTION  
: :  
v. : :  
: :  
MARTIN F. HORN, et al. : NO. 97-3657

MEMORANDUM AND ORDER

HUTTON, J.

May 5, 1999

Presently before the Court are Plaintiff Four Deer Walking's Motion for Reconsideration (Docket No. 95) and the Commonwealth Defendants' Response (Docket No. 96). For the reasons stated below, the Plaintiff's motion is **DENIED**.

The instant motion pertains to an Order of this Court entered on February 11, 1999, which denied as moot Plaintiff's Motion to Postpone/Suspend Deposition of 2/3/99 by pro se Plaintiff James Four Deer Walking Robinson ("Plaintiff" or "Robinson"). On March 4, 1999, the Plaintiff filed the instant motion. The Commonwealth Defendants filed their response on March 10, 1999. The Plaintiff filed a response on March 16, 1999.

As this Court noted in its earlier Order:

On February 5, 1999, the Plaintiff filed a motion seeking "a postponement of the 2/3/99 deposition of Robinson, and to suspend same for the time necessary to address co-plaintiff Warclouds' deposition transcript, and the proceeding that took place on 7/23/98; and/or a Protective Order with instructions given to Ms. Unger . . . limiting the scope and manner of the taking of the deposition . . . ." On February 8, 1999, Defendant Corrections Officials ("Defendants") filed their response

to Plaintiff's Motion. Defendants advised the Court that "Commonwealth defendants deposed plaintiff Robinson on February 3, 1999, and used the Warcloud deposition transcript as an exhibit."

(Order by Honorable Herbert J. Hutton dated February 11, 1999.) Accordingly, Plaintiff's Motion was denied as moot. Now, the Plaintiff moves this Court to reconsider that decision.

Generally, a motion for reconsideration will only be granted if: (1) there has been an intervening change in controlling law; (2) new evidence, which was not previously available, has become available; or (3) it is necessary to correct a clear error of law or to prevent manifest injustice. McDowell Oil Service v. Interstate Fire & Casualty Co., 817 F. Supp. 538, 541 (M.D. Pa. 1993). A motion for reconsideration is not a method to reargue issues already considered and disposed of by the court. Id. In his motion for reconsideration, the Plaintiff contends that "Warclouds' deposition taken was not in uniform or in conformity" with Federal Rule of Civil Procedure 30(e). Thus, the Plaintiff contends that Warclouds' deposition Transcript of July 23, 1998, should be suppressed as evidence. This Court finds that Plaintiffs' arguments have been fully resolved in the Court's February 11, 1999 Order, and, accordingly, the Court will not reconsider that Order.

An appropriate Order follows.

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O R D E R

AND NOW, this 5th day of May, 1999, upon consideration of Plaintiff Four Deer Walking's Motion for Reconsideration (Docket No. 95) and the Commonwealth Defendants' Response (Docket No. 96), IT IS HEREBY ORDERED that the Plaintiff's Motion is **DENIED**.

BY THE COURT:

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HERBERT J. HUTTON, J.